EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0449-MLM-E TCEQ ID NOS: RN101278034 AND RN105161889; CASE NO.: 33045 RESPONDENT NAME: MICHAEL LANTZ O'NEILL DBA FRONTIER PARK RESORT AND MARINA

	· · · · · · · · · · · · · · · · · · ·	
ORDER TYPE:		
1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
X FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
_AIR	X_MULTI-MEDIA (check all that apply)	_INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	X OCCUPATIONAL CERTIFICATION
_X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	_DRY CLEANER REGISTRATION
TYPE OF OPERATION: Wastewater treatrest SMALL BUSINESS: X Yes No OTHER SIGNIFICANT MATTERS: One of a lift station at the Facility. There are two additional transfer of the station at the stational transfer or the stational tra	complaint has been received. The complaint alle	Sabine County leged that wastewater was being discharged from g this facility. TCEQ Docket Nos. 2007-0712-
PWS-E and 2008-1103-PWS-E.		,
INTERESTED PARTIES: The complainant ED and the Respondent has expressed an interest of the complainant expressed and the Respondent has expressed and interest expressed expre	t has not indicated a desire to protest this action rest in this matter.	n or speak at Agenda. No one other than the
COMMENTS RECEIVED: The Texas Regi	ister comment period expired on April 28, 200	8. No comments were received.
Ms. Jennifer Cool TCEQ Enforcement Coordinator: TCEQ Regional Contact: Mr. Rona	k, Litigation Division, MC 175, (512) 239-0019 k, Litigation Division, MC 175, (512) 239-187 Mr. Jorge Ibarra, Air Enforcement Section, Mald Hebert, Beaumont Regional Office, MC R-Neill, Owner, Frontier Park Resort and Marina,	73 IC R-4, (817) 588-5890 10, (409) 898-3838

Respondent's Attorney: Not represented by counsel on this enforcement matter.

RESPONDENT NAME: MICHAEL LANTZ O'NEILL DBA FRONTIER PARK RESORT AND MARINA Page 2 of 3 DOCKET NO.: 2007-0449-MLM-E

VIOLATION SUMMARY CHART:		•
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$48,535	Ordering Provision(s)
X_ Complaint Routine Enforcement Follow-up Records Review Date of Complaints Relating to this Case: January 22, 2007 Dates of Investigation Relating to this Case: February 13, 2007, and July 6, 2007	Total Due to General Revenue: \$48,535 This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order. Site Compliance History Classification High X Average Poor Person Compliance History Classification	The Respondent shall undertake the following technical requirements: 1. Immediately: a. Begin providing non-compliance notifications to TCEQ; b. Begin maintaining all required records; and c. Begin collecting and analyzing effluent samples for fecal coliform bacteria five times per week.
Dates of NOEs Relating to this Case:	High X Average Poor	2. Within 15 Jane
March 28, 2007, and July 17, 2007 (NOEs) Background Facts:	Major Source: Yes X No Applicable Penalty Policy: September 2002	Within 15 days: a. Submit the annual sludge report for the reporting period ending July 31, 2006; and b. Submit a revised DMR for outfall 001
The EDPRP was filed on June 26, 2007, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on July 12, 2007, as evidenced by the signature on the card. The EDFARP was filed on October 23, 2007, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDFARP on November 15, 2007, as evidenced by the signature on the card. The Respondent has failed to file and answer, failed to request a hearing, and failed to schedule a settlement conference. The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.		to include pH data for the monitoring period ending September 30, 2006. 3. Within 30 days, develop and implement operational and maintenance procedures to prevent future unauthorized discharges from the lift station. 4. Within 45 days, hire a licensed operator to operate the WWTP. 5. Within 60 days, submit written certification of compliance with the TPDES Permit Effluent Limitations and Monitoring Requirements. 6. Within 90 days, install audio/visual systems and repair or replace the pumps at Lift Stations No. 1 and 2. 7. Within 105 days, submit written
 MLM: Failed to. obtain a wastewater operators license prior to operating a permitted wastewater treatment and collection system [30 Tex. ADMIN. CODE § 30.331(b), and Tex. WATER CODE §§ 26.0301 and 37.003]. Failed to. comply with permitted effluent limits [TPDES Permit, Effluent Limitations and Monitoring Requirements, Nos. 1, 2, and 6, 30 Tex. ADMIN. CODE § 305.125(1), and Tex. WATER CODE § 26.121(a)]. 		certification demonstrating compliance.

RESPONDENT NAME: MICHAEL LANTZ O'NEILL DBA FRONTIER PARK RESORT AND MARINA Page 3 of 3 DOCKET NO.: 2007-0449-MLM-E

	VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
3.	Failed to submit the annual sludge report for the reporting period ending July 31, 2006 [TPDES Permit, Sludge Provisions, and 30 Tex. Admin. Code § 305.125(17)].		
4.	Failed to submit all required parameter data as specified in the permit [TPDES Permit, Monitoring and Reporting Requirements, No. 1, and 30 Tex. ADMIN. CODE § 305.125(1)].		·
5.	Failed to prevent unauthorized discharges [TPDES Permit, Permit Conditions, No. 2.g., 30 Tex. Admin. Code § 305.125(4), and Tex. Water Code § 26.121(a)].		
6.	Failed to properly report unauthorized discharges [TPDES Permit, Monitoring and Reporting Requirements, No. 7.a., and 30 TEX. ADMIN. CODE § 305.125(9)].		
7.	Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [TPDES Permit, Operational Requirements, No. 1, and 30 Tex. ADMIN. CODE §§ 305.125(5), and 317.2].		
8.	Failed to collect and analyze effluent samples for fecal coliform bacteria five times per week [TPDES Permit, Effluent Limitations and Monitoring Requirements, No. 1, and 30 TEX. ADMIN. CODE § 319.5(b)].	·	
9.	Failed to maintain required records [TPDES Permit, Monitoring and Reporting Requirements, No. 3.b., and 30 Tex. ADMIN. CODE § 319.7(c)].		
10	Failed to submit a written report within five days of becoming aware of non-compliant effluent results that deviate from the permitted limitation by more than 40% [TPDES Permit, Monitoring and Reporting Requirements, No. 7.c., and 30 Tex. ADMIN. CODE § 305.125(1)]		

		Ity Calculation	on Works	sheet (P		
Policy Revision 2 (Sept	∍mber 2002)				PCW Re	vision March 19, 2007
DATES Assigned	12-Mar-2007			<u>.</u>		
PCW		reening 23-Mar-2007	EPA Due		The constitution of the control of t	
RESPONDENT/FACILITY	INFORMATION	. 8.29		entra de la compansión de		
Respondent	Michael Lantz O'Neil	ll dba Frontier Park Re	sort and Marin	a	<u></u>	See St. Chr. 11.
Reg. Ent. Ref. No.	RN105161889					
Facility/Site Region	10-Beaumont		Major/	Minor Source	Minor	
CASE INFORMATION	Ta objete sa twek			grigoritation and pro-		
Enf./Case ID No.] No.	of Violations	1	
	2007-0449-MLM-E]	Order Type		
Media Program(s) Multi-Media	All Occupational Lice	enses	_ Enf		Jorge Ibarra, P.E. EnforcementTeam	4
Admin. Penalty \$ L	imit Minimum	\$0 Maximum	\$2,500	Costeam	Linorcementream	
,				-		
	F	Penalty Calcul	ation Sec	tion		
TOTAL BASE PENAL	TY (Sum of viola	ation base penalti	ies)	Agrico de	Subtotal 1	\$1,250
				and the second s	And the same of th	A STREET OF THE STREET
ADJUSTMENTS (+/-)	TO SUBTOTAL					
Subtotals 2-7 are obtain Compliance Histo	the company of the co	I Base Penalty (Subtotal 1) b 0%	by the indicated per 6 Enhancement		otals 2, 3, & 7	\$0
				· · · · · · · · · · · · · · · · · · ·		·
Notes	No change	e due to Average Perfo	ormer classifica	ition.		
, . 						
Culpability	No S	09	6 Enhancement	Silver as a silver	Subtotal 4	\$0
Notes	The Respon	ndent does not meet th	ne culnability cr	iteria.		
Holes	The respen	Tachic account for mocical				
Good Faith Effort	to Comply	0%	6 Reduction	63a v. 110	Subtotal 5	\$0
· · · · · · · · · · · · · · · · · · ·	makes of the Charles	to EDPRP/Settlement Offer	Bergan same and desired the same and the city	Are San		
Extraordinary						
Ordinary N/A	X (mark	with x)				
			Text (A file)]	
Notes	The Respor	ndent does not meet th	ne good faith cr	iteria.		
	and the first of the first of the second parts of the first of the first of the second parts of the first of	and the second s	age company of measurement of the contract of			
	Total EB Amounts	and the second s	6 Enhancement* ed at the Total EB \$	& Amount	Subtotal 6	\$0
		1,000	d dt ino rotar 25 q	,,,,,,		
OUM OF OUDTOTALO				194 ·	4.888.408.808.80	¢4 250
SUM OF SUBTOTALS			Alimin indukti	r	Final Subtotal	\$1,250
OTHER FACTORS AS	HISTICE MAY	REQUIRE	A	la gov	Adjustment	\$0
Reduces or enhances the Final Su			 nly; e.g30 for -30%	%.)	Aujustineit	•
					,	
Notes						
L	· · · · · · · · · · · · · · · · · · · 		<u> </u>	Final Par	alty Amount	\$1,250
				i iliali ei	raity Amount	ψ1,250
STATUTORY LIMIT A	JUSTMENT			Final Asse	ssed Penalty	\$1,250
	and the second of the second	A STATE OF THE STA		n sen v	STOCK TO SECURITION AND ADMINISTRATION ADMINISTRATION AND ADMINISTRATION ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION A	
DEFERRAL			0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Pena	ty by the indicted percent	age. (Enter number only; e.	g. 20 for 20% redu	iction.)	1 .	
Notes	No deferr	al is recommended for	r Findinas Orde	ers.		
110100	i i i i i i i i i i i i i i i i i i i					and the second
					,	

PAYABLE PENALTY

PCW-1

\$1,250

Screening Date 23-Mar-2007

Docket No. 2007-0449-MLM-E

PCW

Policy Revision 2 (September 2002)
PCW Revision Merch 19, 2007

Case ID No. 33045 Reg. Ent. Reference No. RN105161889

Media [Statute] All Occupational Licenses

Respondent Michael Lantz O'Neill dba Frontier Park Resort and Marin

Enf. Coordinator Jorge Ibarra, P.E.

mpliance Histor	Compliance History Worksheet y Site Enhancement (Subtotal 2)		
Component		Inter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
, isome	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Pleas	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
00	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Su	btotal 2)
eat Violator (Su	ibtotal 3).		
No	Adjustment P	ercentage (Su	btotal 3)
pliance Histor	y Person Classification (Subtotal 7)	A CONTRACT OF THE CONTRACT OF	
Average P	Performer Adjustment P	ercentage (Su	btotal 7)
pliance Histor	y Summary		And American
Compliance History Notes	No change due to Average Performer classification.		

1	eening Date					o. 2007-0449-MLM-E		.PCW
	Respondent		z O'Neill dba l	Frontier Park F	Resort and M	Marina	Policy Re	evision 2 (September 2002)
5 - 1 5	Case ID No.						PCI	V Revision March 19, 2007
Reg. Ent. Re								
	dia [Statute] Coordinator						•	
	lation Number		r.⊑.]					
	Rule Cite(s)		dmin Code (S 30 331/b) ar	nd Tay Mat	er Code §§ 26.0301 and 37	7.003	
		30 Tex. 7	turiiri. Code ;	3 30.33 1(b), ai	iu rex. wat	er Code 33 20.0301 and 37	.000	,

	5	Failed to obta	in a wastewa	ter operators li	icense prior	to operating a permitted wa	astewater	
Violatio	on Description			treatment an				
			*	*				
***************************************						Base	Penalty[\$2,500
			1113 1413 141		en en gan in augusta (communication) Canada (communication)			
>> Environmenta	и, Ргорепу а	ing Human	Health Ma Harm	ITIX				
	Release	Major	Moderate	Minor	-			
OR	Actual							
	Potential	x			1	Percent 25%		
>>Programmatic	Matrix							
	Falsification	Major	Moderate	Minor	en aktora (Classe) -	<u> </u>		
						Percent 0%		
	Collura to ob	tain a waataw	otor operator	n liconco prior	to operating	a permitted wastewater tre	atmont	
Matrix						y which in turn could result		
Notes			ounts of pollu	tants which wo	uld exceed	levels that are protective o		
			ne	alth or the env	ironment.			
						Adjustment	\$1,875	
								\$625
Table 1						•	<u>.</u>	ψυΖυ
Violation Events	The second secon							
	N			7 1		76	_	
	Number of Vic	nation Events	2		38	Number of violation days	5	
-	l	daily						
		monthly	Х			•	-	• • • • •
	mark only one with an x	quarterly				Violation Base	Penalty	\$1,250
	Will 211 A	semiannual annual	***					
		single event						
		Cale to Decrease action can be in secular cities .						
****	Two monti	hly events are	recommende	ed. The penalty	was calcula	ated from the investigation	date,	
		Febru	ary 13, 2007,	to the screeni	ing date, Ma	rch 23, 2007.		
	<u> </u>							,
Economic Benefi	t (EB) for thi	s violation				Statutory Limit Tes	t.	
	Estimat-	ED Amount		\$44	1	Violation Final Page	Ity Total	\$1,250
B	Estimated	EB Amount	·.	φ 44]	Violation Final Pena	ity rotal[φ1,250
	memphobambanan bannya makkaya Abahman Alik			This violation	Final Asse	ssed Penalty (adjusted fo	or limits)	\$1,250
				Paris, og skoli y Med vallet			L. VEIDE	

4							
and the second s							
요일 불의 기원 시간 가장하다	Partie (AE	conomic	Benefit W	orks/	sheet		
Respondent	t Michael Lantz (O'Neill dba Frontie	r Park Resort and	Marina	al with red by a flacilly of take earl	Area Dallación I. S. Ari Fill (1971)	*
Case ID No.		574CIII GBB 1 TOTAIC		Marina			
Reg. Ent. Reference No.						,	
	•					E. S. F. 198 (1816)	Years of
	a All Occupations	ai Licenses			4	Percent Interest	Depreciation
Violation No.	. 10	na a konstruit na nasa.			and great that it may be		1 1 1 1 1 1 1 1 1
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			TANK.			
, agricultur et est de resident totale de la constitución de la consti		Marin of the field whether	***	a control of	a i Na Malik Kasa di sin	 الأدخ طيلانة بالكارة ديان سميديالدر حاديد 	- 100 To 100 Tab., 2
Delayed Costs			Marcata - Day	painings			
Equipment	<u> </u>	1	Γ	0.0	\$0	\$0	\$0
Buildings		1.2		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
· Training/Sampling				0.0	\$0		\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/au-	\$0
Other (as needed)	\$1,000	13-Feb-2007	1-Jan-2008	0.9	\$44	n/a	\$44
Notes for DELAYED costs	Estimated cost collection	to obtain a wastev system. Date Req	water operators lic uired is the invest	ense prio	or to operating a pate, Final Date is	permitted wastewate the expected compli	r treatment and ance date.
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost collection	to obtain a waster system. Date Req	water operators lic uired is the investi	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	or to operating a pate, Final Date is litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	permitted wastewate the expected compliance. So S	r treatment and ance date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Compliance History

*					
Customer/Respondent/Owner-Operator:	CN601121452	ONEILL, MICHAEL LANT	Z Classification	: AVERAGE	Rating: 1.86
Regulated Entity:	RN105161889	ONEILL MICHAEL LANTZ	Z Classification		Site Rating:
ID Number(s):					
Location:	RT 1 BOX 1690,	HEMPHILL, TX, 75948	*		
TCEQ Region:	REGION 10 - BE	AUMONT			
Date Compliance History Prepared:	April 11, 2007				
Agency Decision Requiring Compliance History:	Enforcement				
Compliance Period:	April 11, 2002 to	April 11, 2007			
TCEQ Staff Member to Contact for Additional Info	rmation Regarding	this Compliance History			
Name: Jorge Ibarra, P.E.	Ph	one: (817) 588-5890			
	Site Co	mpliance History Compo	onents		
1. Has the site been in existence and/or operation	for the full five yea	r compliance period?	Yes		
2. Has there been a (known) change in ownership	of the site during t	he compliance period?	No		
3. If Yes, who is the current owner?			N/A		
4. if Yes, who was/were the prior owner(s)?		•	N/A		
5. When did the change(s) in ownership occur?			N/A		•
Components (Multimedia) for the Site:		•			
A. Final Enforcement Orders, court judgemen	ts, and consent de	crees of the state of Texas a	nd the federal government.		
N/A					
B. Any criminal convictions of the state of Tex	as and the federal	government.			
N/A					
C. Chronic excessive emissions events.					
N/A					
D. The approval dates of investigations. (CCE1 03/28/2007 (540299)	DS Inv. Track. No.)			
E. Written notices of violations (NOV). (CCED	S Inv. Track. No.)	•			
	,				
F. Environmental audits. N/A					
G. Type of environmental management system	ns (EMSs).				
N/A					
H. Voluntary on-site compliance assessment of	dates.				
N/A					
Participation in a voluntary pollution reduction	n program.				
N/A					
J. Early compliance.					
N/A					
Sites Outside of Texas N/A				•	**
IWA		- '	4		

	•	n Worksheet (PCW)
Policy Revision 2 (Sep	tember 2002)	PCW Revision March 19, 2007
DATES Assigned PCW	<u> </u>	EPA Due
Reg. Ent. Ref. No.	Michael Lantz O'Neill dba Frontier Park Res RN101278034	
Facility/Site Region	10-Beaumont	Major/Minor Source Minor
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ I	2007-0449-MLM-E Water Quality	No. of Violations Order Type Findings Enf. Coordinator Jorge Ibarra, P.E. EC's Team EnforcementTeam 4 \$10,000
	Penalty Calcula	tion Section
ADJUSTMENTS (+/-)	TY (Sum of violation base penaltie TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage. Enhancement Subtotals 2, 3, & 7 \$32,810 In the same or similar type of
Culpability	No 0%	Enhancement Subtotal 4 \$0
Notes	The Respondent does not meet the	culpability criteria.
Good Faith Effor Extraordinary Ordinary N/A Notes	Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent does not meet the	Reduction Subtotal 5 \$0 good faith criteria.
Approx.		Enhancement* Subtotal 6 \$0 at the Total EB \$ Amount
SUM OF SUBTOTAL	\$11 7	Final Subtotal \$52,110
	S JUSTICE MAY REQUIRE ubtotal by the indicated percentage. (Enter number only	-9% Adjustment -\$4,825
Notes	Recommend reduction in penalty amount so violations do not overly impact the	
•		Final Penalty Amount \$47,285
STATUTORY LIMIT A	DJUSTMENT	Final Assessed Penalty \$47,285
DEFERRAL Reduces the Final Assessed Pen	ally by the indicted percentage. (Enter number only; e.g.	0% Reduction Adjustment \$0 20 for 20% reduction.)
Notes	No deferral is recommended for l	Findings Orders.

PAYABLE PENALTY

\$47,285

Screening Date 25-Jul-2007

Docket No. 2007-0449-MLM-E

PCW

Respondent Michael Lantz O'Neill dba Frontier Park Resort and Marin Case ID No. 33045

Policy Revision 2 (September 2002) PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101278034 Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

Component		Inter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	34	170%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	. 0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	. 0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Pleas	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Sເ	ıbtotal 2)
at Violator (Su	and the books of photocolomic deposition of the property of the control of the co		
No	Adjustment P	ercentage (Su	ıbtotal 3)
oliance History	Person Classification (Subtotal 7)		
Average Po	erformer Adjustment P	ercentage (Su	ıbtotal 7)
oliance History	Summary		
Compliance History Notes	The respondent was issued three NOVs with the same or similar type of violations and self months of effluent violations.	-reported 31	

Scr	eening Date	25-Jul-2007	THE LABORATORY AND ADDRESS OF THE PARTY OF T	Doo	ket No. 2007-0449-MLM-	-E		PCW
	Respondent	Michael Lantz	: O'Neill dba Fr	ontier Park Res	ort and Marina	F	Policy Revision	nn 2 (September 2002)
	Case ID No.	33045					PCW Re	vision March 19, 2007
Reg. Ent. Re	eference No.	RN101278034	1					
Me	dia [Statute]	Water Quality						
Enf.	Coordinator	Jorge Ibarra, I	P.E.			*		-
Vio	lation Number							
	Rule Cite(s)			Requirements, N		lo. WQ0014015001, Effluer nin. Code § 305.125(1), and		
Violatio	on Description	Faile	d to comply wi	th permit effluer	nt limits. See attached Efflue	ent Limit Violation Table.		
						Base Pe	nalty	\$10,000
>> Environmenta	ıl, Property a	nd Human	Health Matr	ix				
American de la companya de la compan	, p. 200. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	gliadrama, i anti-antiba e se ad tau e	Harm		ikanii kidan kumun medilikani daraman ne Arida da kida da Arida ne kumun kendili dinga ministra finikadi.	de A produced Charles (Mind) from A coldeb Advisorable comb a circumber A no trace (A Albert on Produce company of Andrew Charles comb as the		
OD.	Release	Major	Moderate	Minor				
OR	Actual			X	Percent	10%		
	Potential	<u> </u>	<u> </u>		Percent	10%		
>>Programmatic	Matrix				100 100 100 100 100 100 100 100 100 100			
37	Falsification	Major	Moderate	Minor	ESECTES (A. CETO)			
					Percent	0%		
Notes			en exposed to	insignificant ar		se discharges, human healt to not exceed levels that are s.		
	,					Adjustment \$	9,000	
								\$1,000
							<u> </u>	ه١,٥٥٥
Violation Events								
	Number of Vio	lation Events	4	100	Number of violati	ion days		
		daily						
		monthly [Violation Page Po	nalty	\$4,000
	mark only one with an x	quarterly semiannual	X			Violation Base Pe	maity	Ψ4,000
		annual				•		
		single event		•				
		21.19.19.19.19.11 <u> </u>						
	Four quar	rterly events a	re recommend	ed based on the	e months the maximum perr	mitted limits were exceeded		
Economic Benefi	t (EB) for thi	s violation		eregalar) ja ja saajak	Statutory Lim	iit Test		
	Estimated	EB Amount		\$551		Violation Final Penalty	Total	\$9,800
		_				<u> </u>		<u> </u>
tra, et tra si televela a risebella propinsi propinsi propinsi si televela		spekaga ngamban etint		T	his violation Final Assess	ed Penalty (adjusted for li	mits)[\$9,800

	<u> </u>	conomic	Benefit W	orks	sheet		
Respondent	Michael Lantz (O'Neill dba Frontie	er Park Resort and	Marina		44.1	attention of the self-residence
Case ID No.							
Reg. Ent. Reference No.							
						-	Years of
	Water Quality					Percent Interest	1 L N 2 T T T T T T L L L
Violation No.	. 1 - 1 - 2004/1 - 5 - 10 - 20	y 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			entre en wellerer trans		Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Antribus (1.74.) Matalanda wasani			ŵallan Na		
Delayed Costs			aliteta a est	PEZZE			
Equipment			<u> </u>	0.0	\$0	SO	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	erii in/a	\$0
Training/Sampling				0.0	\$0	Author Navanta	\$0
Remediation/Disposal				0.0	\$0	www.m/aii	\$0
Permit Costs				0.0	\$0	i n/a	\$0
							Ф О
Other (as needed)	\$5,000 Estimated	1-Nov-2005	15-Jan-2008	2.2	\$551	alam n/a	\$551
Notes for DELAYED costs	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	2.2 and sam on-comp	\$551 pling which may h pliance, Final Date	ave alleviated or pre	\$551 evented the npliance date.
	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	2.2 and sam on-comp	\$551 pling which may holiance, Final Date	ave alleviated or pre	\$551 evented the npliance date.
Notes for DELAYED costs Avoided Costs	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	2.2 and sam on-comp	\$551 pling which may h pliance, Final Date	ave alleviated or pre	\$551 evented the npliance date.
Notes for DELAYED costs Avoided Costs Disposal	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	and sam non-comp	\$551 pling which may holiance, Final Date item (except for \$0	ave alleviated or pre is the expected cor one-time avoided c	\$551 evented the npliance date. osts)
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	and sam non-comp ntering 0.0	\$551 pling which may holiance, Final Date item (except for \$0 \$0	ave alleviated or pre e is the expected cor one-time avoided c	\$551 evented the opliance date. osts) \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	2.2 and sam ion-comp intering 0.0 0.0 0.0 0.0 0.0	\$551 pling which may holiance, Final Date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ave alleviated or pre is the expected corone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$551 evented the npliance date. osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	2.2 and sammon-componentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$551 pling which may holiance, Final Date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ave alleviated or pre- is the expected cor- one-time avoided co- \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$551 evented the explained date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance (2)	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	2.2 and sam ion-comp intering 0.0 0.0 0.0 0.0 0.0	\$551 pling which may holiance, Final Date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ave alleviated or pre is the expected corone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$551 evented the inpliance date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	2.2 and sammon-componentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$551 pling which may holiance, Final Date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ave alleviated or pre- is the expected cor- one-time avoided co- \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$551 evented the explained date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated noncomplianc	cost to provide ad e. Date Required	ditional oversight is the first day of r	2.2 and sammon-componentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$551 pling which may holiance, Final Date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ave alleviated or pre- is the expected cor- one-time avoided co- \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$551 evented the explained date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Screening Date	25-Jul-2007	Docket	No. 2007-0449-MLM-E		PCW
*	Respondent	Michael Lantz O'	Neill dba Frontier Park Resort an	id Marina		Policy Revision 2 (September 2002)
	Case ID No.					PCW Revision March 19, 2007
Reg. E	nt. Reference No.	RN101278034				***************************************
	Media [Statute]					
	Enf. Coordinator	Jorge Ibarra, P.E				ar.
	Violation Number	2				
	Rule Cite(s)	TPDES Per	mit No. WQ0014015001, Sludge	e Provisions and 30 Tex.	Admin. Code § 305.125(1	7)
,	Violation Description		nonitoring results at the intervals submit the annual sludge report		nding 07/31/2006.	nt failed
		na Umaaa ba	alte Matrix			
>> Environi	mental, Property a		arm Warrix			account of the contract of the
OR	Release Actual Potential		oderate Minor	Percent	0%	
>>Program	matic Matrix		NA AND SAN TO SAN THE			
	Falsification		oderate Minor			and the same of th
				Percent	10%	The second secon
Production in the Part of the	Matrix Notes		100% of the rule require	ement was not met.	1	
				A	djustment	\$9,000
alia (1), periode de 1, a llara (6, periode desenvaluente de la como a conti	ita 185 esti. 1850 - Ta 1850 esti dilitaria estilitati de accidinta	Milde And Copensystems Class. Supreparative place Orderina de processor Marie Copetra I Africa contra MANA.	workschause Barbon (P 2 Pro 1 P 2 P 2 P 2 P 2 P 2 P 2 P 2 P 2 P 2 P	erformer de William Bergerang van gewonde de State de Bergerang van de Bergerang de Vereinse (1 de 2000 de 200 Tentre de State de S)	64 000
			•			\$1,000
Violation Ev	vents					ALLEGATION OF THE STATE OF THE
		agent and processing the classes of the classes of the control of	Balandara da	The second secon	SAN	Addition and plants of
	Number of Vio	lation Events	1 1	Number of violation	days	
	mark only one with ап х	daily monthly quarterly semiannual annual single event	X		Violation Base F	Penalty \$1,000
			One annual event is	recommended.		
Economic E	Benefit (EB) for thi	s violation		Statutory Limit	Test	
	Fetimated	EB Amount	\$31		Violation Final Penalt	y Total \$2,450
ì	Latimateu					
			AND THE RESERVE OF THE PROPERTY OF THE PROPERT	s violation Final Assess	ed Penalty (adjusted for	limits) \$2,450
	나는 사람들은 바람들을 하는데 없다.		errado avalocados Penerición			BRANCH CONTRACTOR

		conomic	penent M	UINS	neet		
Responde	nt Michael Lantz	O'Neill dba Frontie	r Park Resort and	Marina	P	i (1981) grad de Para (Albanya (1981) en	
Case ID N	o. 33045						
Reg. Ent. Reference N	o. RN101278034						
	ia Water Quality					200000000000000000000000000000000000000	Years of
Violation N						Percent Interest	Depreciation
Violation	Yay an	200	Louis et grafia	DENIES &	g., i 34 -	5.0	1111111
		B B					15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Descripti	on No commas or \$			a Chist			
Delayed Cos	ts in the same		EPAGENTULI				
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a.c.	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/an -	\$0
Remediation/Disposal				0.0	\$0	n/ail	\$0
Permit Costs Other (as needed)	\$500	1-Sep-2006	1-Dec-2007	0.0 0.0 1.2	\$0 \$0 \$31	n/a ⊬i iva viva	\$0 \$0 \$31
Permit Costs		d cost to prepare a		0.0 1.2 uired slud	\$0 \$31 ge report. Date R	r/a r/a Required is the first d	\$0 \$31
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	0.0 1.2 uired slud is the ex	\$0 \$31 ge report. Date R pected compliand	Required is the first do	\$0 \$31 ay of non-
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cos	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	0.0 1.2 uired slud is the ex	\$0 \$31 ge report. Date R pected compliand tem (except for	equired is the first doe date.	\$0 \$31 ay of non-
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cos Disposal	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	0.0 1.2 uired slud is the ex	\$0 \$31 ge report. Date R pected compliand tem (except for \$0	Required is the first doe date. one-time avoided company so	\$0 \$31 lay of non-
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cos Disposal Personnel	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	is the expense of the	\$0 \$31 ge report. Date R pected compliand tem (except for \$0 \$0	tequired is the first doe date. one-time avoided company so	\$0 \$31 lay of non- costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cos Disposal Personnel Inspection/Reporting/Sampling	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	ired sludis the expension of the expensi	\$0 \$31 ge report. Date R pected compliance tem (except for \$0 \$0 \$0	tequired is the first do to date. one-time avoided come-time so	\$0 \$31 lay of non- losts) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COST Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	0.0 1.2 uired sludis the exi ntering ii 0.0 0.0 0.0	\$0 \$31 ge report. Date R pected compliand tem (except for \$0 \$0 \$0	Required is the first dice date. cone-time avoided cones of the second cones of the s	\$0 \$31 lay of non- costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIGED COS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	0.0 1.2 uired sludis the ex ntering is 0.0 0.0 0.0 0.0	\$0 \$31 ge report. Date F pected compliand tem (except for \$0 \$0 \$0	Required is the first doe date. one-time avoided company some some some some some some some some	\$0 \$31 lay of non- sosts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COST Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	0.0 1.2 uired sludis the exi ntering ii 0.0 0.0 0.0	\$0 \$31 ge report. Date R pected compliand tem (except for \$0 \$0 \$0	Required is the first dice date. cone-time avoided cones of the second cones of the s	\$0 \$311 lay of non- costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	0.0 1.2	\$0 \$31 ge report. Date F pected compliand tem (except for \$0 \$0 \$0 \$0	Required is the first doe date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$31 lay of non- sosts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated	d cost to prepare a comp	nd submit the requiliance, Final Date	0.0 1.2	\$0 \$31 ge report. Date F pected compliand tem (except for \$0 \$0 \$0 \$0	Required is the first doe date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$31 lay of non- sosts) \$0 \$0 \$0 \$0 \$0

	Screening Date	25-Jul-2007	ACCOUNTS FROM AND AND THE TAX TO A THE STREET OF THE STREE	Oocket No. 2007-0449-MLM-E		PCW
			'Neill dba Frontier Park R	esort and Marina	Policy Re	vision 2 (September 2002)
_	Case ID No.				PC	V Revision March 19, 2007
Reg.	Ent. Reference No.					
	Media [Statute]		_			
	Enf. Coordinator Violation Number	Jorge Ibarra, P.E	Ξ.			
	Rule Cite(s)	TPDES Permit	t No. W/00014015001 M	onitoring and Reporting Requiren	nents No. 1, 30 Tex Admin	
	rtule One(5)	TI DEG I CIIIII	1110. W Q 00 1 70 1000 1, W	Code § 305.125(1)	ionio, no. 1, oo rox. Admin.	
-	·					
	Violation Description		le pH data in the discharg	data as specified in the permit. : ge monitoring report ("DMR") for or o		
,					Base Penalty[\$10,000
>> Enviro	nmental, Property a	nd Human He	Constitution of the second contract of the constitution of the contract of the			
	Release	Major 1	Harm Moderate Minor			aggagaga
OR	Actual	Wajoi K	Moderate Millor	İ		
Magazina and a service of the servic	Potential			Percent	0%	-
>>Prograr	mmatic Matrix	Maia	Andarata Minar			
	Falsification	Major N	Moderate Minor	Percent	1%	
	<u> </u>			1 51 55 11	L	
	Matrix Notes		Less than 30% of the r	rule requirement was not met.		,
				Ac	ljustment \$9,900	,
						\$100
Violation I						
Violation		The second secon	A CONTRACTOR OF THE PROPERTY O	And the state of t		
	Number of Viol	ation Events	1 [1 Number of violation	n days	
	•	- Acceptance on programme and a				
		daily				
	mark only one	monthly quarterly			Violation Base Penalty	\$100
		semiannual				· · · · · · · · · · · · · · · · · · ·
		annual				
	ar A	single event	X			
		· ·				
			One single eve	ent is recommended.		
Economic	Benefit (EB) for this	violation		Statutory Limit	Test	
	Estimated	EB Amount	\$6	,	Violation Final Penalty Total	\$245
				This violation Final Assessed	Penalty (adjusted for limits)	\$245

Reg. Ent. Reference No. Media Violation No.	Water Quality	er erre og sommerdene	ulia esta di di			Percent Interest	Years of Depreciation
		면 하면 됐네.				5.0	18
[2015년 1일	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	å. Vittiga 1913 d.V		**:			
Delayed Costs				45			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/au Uz-	\$0
Record Keeping System				0.0	\$0	n/a: "ii	\$0
Training/Sampling		I		0.0	\$0	n/a	\$0
				11 00	l ¢o	Francisco Control The Control of t	ው
Remediation/Disposal				0.0	\$0	un/a u	\$0
Remediation/Disposal Permit Costs Other (as needed)	\$100 Estimated cos	20-Oct-2006 t to prepare and s	1-Dec-2007	0.0 1.1	\$0 \$6	in/a iva	\$0 . \$6
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated cos	t to prepare and s	ubmit a complete I Date is the ex	0.0 1.1 DMR, Daniel Decided of	\$0 \$6 ate Required is the compliance date.	r/a	\$0 \$6 mpliance, Final
Remediation/Disposal Permit Costs Other (as needed)	Estimated cos	t to prepare and s	ubmit a complete I Date is the ex	0.0 1.1 DMR, Daniel Decided of	\$0 \$6 ate Required is the compliance date.	n/a n/a	\$0 \$6 mpliance, Final
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos	t to prepare and s	ubmit a complete I Date is the ex	O.0 1.1 DMR. Dipected o	\$0 \$6 ate Required is the compliance date.	e first day of non-cor	\$0 \$6 mpliance, Final
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	t to prepare and s	ubmit a complete I Date is the ex	O.0 1.1 DMR. Dispected of	\$0 \$6 ate Required is the compliance date. item (except for \$0	e first day of non-cor	\$0 \$6 mpliance, Final
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel	Estimated cos	t to prepare and s	ubmit a complete I Date is the ex	O.0 1.1 DMR. Dipected contering 0.0 0.0	\$0 \$6 ate Required is the compliance date. item (except for \$0 \$0 \$0	e first day of non-cor one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 \$6 mpliance, Final costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	t to prepare and s	ubmit a complete I Date is the ex	0.0 1.1 0MR. Dispected of ntering 0.0 0.0 0.0	\$0 \$6 ate Required is the compliance date. item (except for \$0 \$0 \$0	e first day of non-cor one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 \$6 mpliance, Final costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos	t to prepare and s	ubmit a complete I Date is the ex	0.0 1.1 DMR. Dispected contents ntering 0.0 0.0 0.0 0.0 0.0	\$0 \$6 ate Required is the compliance date. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e first day of non-cor one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$6 mpliance, Final costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to prepare and s	ubmit a complete I Date is the ex	0.0 1.1 DMR. Dispected of the pected of the	\$0 \$6 ate Required is the compliance date. item (except for \$0 \$0 \$0	e first day of non-cor one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 \$6 mpliance, Final costs) \$0 \$0 \$0 \$0

Screening Date	25-Jul-2007	Docket	No. 2007-0449-MLM-E	E	PGW
Respondent	Michael Lantz O'Neil	l dba Frontier Park Resort an	d Marina	Policy F	Pevision 2 (September 2002)
Case ID No.				PO	W Revision March 19, 2007
Reg. Ent. Reference No.					
Media [Statute]					
Enf. Coordinator					
Violation Number					
Rule Cite(s)	TPDES Permit No.		nditions, No. 2.g., 30 Te: er Code § 26.121(a)	x. Admin. Code § 305.125(4), and	
Violation Description				ng Lift Station No. 1 failed resulting 07, 03/09/2007, and 07/04/2007.	
				Base Penalty	\$10,000
>> Environmental, Property a	and Human Healtl	n Matrix		The first security all the first for the first security of the fir	
	Har	and the second state of the contraction of the second to the first of the second to the second to the second to		AARIN JAN 18. JUNE 19. M. JUNE 18. JUNE	
Release	Major Mode	rate Minor			
OR Actual Potential		x	Percent	10%	A
Fotential			rercem	10%	
>>Programmatic Matrix					
Falsification	Major Mode	rate Minor	to have been been been been been been been be		
			Percent	0%	
					7
Matrix Notes Failure to		discharges resulted in the relevels that are protective of h		ounts of pollutants which do not conment.	
(2) 등 전 : - (1) (5) 시간 (2) (2) 는 (2) 는 (2) 는 (3) 는 (Adjustment \$9,000	,
eti engeline. Langu kantang katang katang kanala kanala dan di Importum Peruntum Peruntum Peruntuh Peruntuh Pe	i vari vari di 1919 - 1900 menji beku mberinganan kula dindakan berita ba Asalim mania	Anthonic al line à colon, par phir different former en une de colon le la light de colonie de Anthonic Anthonic		Tanada (Antara Antara Antar	
					\$1,000
Violation Events					
Number of Vic	plation Events 2	64	Number of violation	n days	
ramber of the	nation Evolito E			, augo	
	daily				
merk only one with an x	monthly quarterly x semiannual annual single event		,	Violation Base Penalty	\$2,000
		Two quarterly events a	re recommended.		
Economic Benefit (EB) for th	is violation		Statutory Limit	Test	
Estimated	I EB Amount	\$45		Violation Final Penalty Total	\$4,900
		Th	is violation Final Asse	ssed Penalty (adjusted for limits)	\$4,900

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		************ E	conomic I	Benefit W	orks	heet		
	Respondent Case ID No.		D'Neill dba Frontier	Park Resort and	Marina			•
R	eg. Ent. Reference No.	RN101278034						,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	Media	Water Quality					Percent Interest	Years of
	Violation No.	4					i crociit interest	Depreciation
		经基础 医电路	The same				5.0	15
		Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	
	Item Description		Date Required		igi.	Modeland		
	Delayed Costs				i gyatika			omenggere pigerong na projektiva kalendari
	Equipment				0.0	\$0	\$0	\$0
	Buildings				0.0	\$0	\$0	\$0
	Other (as needed)				0.0	\$0	\$0	\$0
	Engineering/construction				0.0	\$0	\$0	\$0
	Land				0.0	\$0	n/a	\$0
	Record Keeping System				0.0	\$0	n/all	\$0
	Training/Sampling				0,0	\$0	uro ⊯n/a⊮war	\$0
	Remediation/Disposal				71 00	r.o.	i vin/a:	\$0
			!		0.0	\$0		
	Permit Costs				0.0	\$0	n/a	\$0
	Permit Costs Other (as needed)	\$1,000 Estimated o	19-Jan-2007	15-Dec-2007	0.0	\$0 \$45	Namile Namile Namile	\$0 \$45
	Other (as needed) Notes for DELAYED costs	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	0.0 0.9 of maint e first da npliance	\$0 \$45 enance activities y of non-complian date.	n/a	\$0 \$45 revent future expected
	Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	of mainte first dan pliance	\$0 \$45 enance activities y of non-complian date. item (except for	n/a	\$0 \$45 revent future expected
	Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	of maintering	\$0 \$45 enance activities y of non-complian date. item (except for	to alleviate and/or p ce, Final Date is the	\$0 \$45 revent future expected
	Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	of mainte first dan ppliance entering 0.0 0.0 0.0	\$0 \$45 enance activities y of non-complian date. item (except for \$0 \$0	to alleviate and/or p ce, Final Date is the	\$0 \$45 revent future expected
	Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel nspection/Reporting/Sampling	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	of maintering one of maintering one of maintering one	\$0 \$45 enance activities y of non-complian date. item (except for \$0 \$0 \$0	to alleviate and/or pce, Final Date is the one-time avoided c \$0 \$0 \$0 \$0	\$0 \$45 revent future expected sosts) \$0 \$0 \$0
: - II	Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	of maintering 0.0 0.9 of maintering 0.0 0.0 0.0 0.0	\$0 \$45 enance activities y of non-complian date. item (except for \$0 \$0 \$0	to alleviate and/or p ce, Final Date is the one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$45 revent future expected costs) \$0 \$0 \$0
: ·	Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	of mainte first da npliance ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$45 enance activities y of non-complian date. item (except for \$0 \$0 \$0	to alleviate and/or p ce, Final Date is the one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$45 revent future expected sosts) \$0 \$0 \$0 \$0
. 11	Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	0.0 0.9 of mainte e first da npliance ntering 0.0 0.0 0.0 0.0	\$0 \$45 enance activities y of non-complian date. item (except for \$0 \$0 \$0 \$0 \$0	to alleviate and/or p ce, Final Date is the one-time avoided company of the state o	\$0 \$45 revent future expected :osts) \$0 \$0 \$0 \$0 \$0 \$0
·	Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	of mainte first da npliance ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$45 enance activities y of non-complian date. item (except for \$0 \$0 \$0	to alleviate and/or p ce, Final Date is the one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$45 revent future expected sosts) \$0 \$0 \$0 \$0
h	Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated o unauthori	ost to provide addi zed discharges. Da	tional supervision ate Required is the con	0.0 0.9 of mainte e first da npliance ntering 0.0 0.0 0.0 0.0	\$0 \$45 enance activities y of non-complian date. item (except for \$0 \$0 \$0 \$0	to alleviate and/or p ce, Final Date is the one-time avoided company of the state o	\$0 \$45 revent future expected :osts) \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	25-Jul-2007	ocket No. 2007-0449-MLM-E		PCW
Respondent	Michael Lantz O'Neill dba Frontier Park Re	esort and Marina	Policy Revis	ion 2 (September 2002)
Case ID No.			PCW F	Revision March 19, 2007
Reg. Ent. Reference No.	RN101278034			
Media [Statute]	Water Quality			
Enf. Coordinator	Jorge Ibarra, P.E.			
Violation Number	5			
Rule Cite(s)	TPDES Permit No. WQ0014015001, Mo	onitoring and Reporting Requirements, No Code § 305.125(9)	. 7.a., 30 Tex. Admin.	
Violation Description		scharges. Specifically, the reports submitte 07 did not include the volume of the disch and potential danger to the human health	arge, actions taken to	
			Base Penalty	\$10,000
>> Environmental, Property a	nd Human Health Matrix			
	Harm			
Release OR Actual	Major Moderate Minor			
Potential		Percent	0%	
, otomati				
>>Programmatic Matrix				
Falsification	Major Moderate Minor	N. ATTOCHEMICAL AND CO. ATTOCHEMICAL CO. CO. CO. CO.		
	X	Percent	1%	
Matrix Notes	Less than 30% of the	rule requirement was not met.		
		Adjustmer	t \$9,900	I
				\$100
Violation Events				
Number of Vio	lation Events 2	2 Number of violation days		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
	daily			
mark only one with an x	monthly quarterly semiannual annual	•	/iolation Base Penalty	\$200
1	single event x			
	Two single eve	ents are recommended.		
Economic Benefit (EB) for thi	s violation	Statutory Limit Test		
Estimated	EB Amount \$21	Violat	ion Final Penalty Total	\$490
			·	
		This violation Final Assessed Penal	ty (adjusted for limits)[\$490

	i e E	conomic	Benefit W	orks	sheet		
Respondent	Michael Lantz	O'Neill dba Frontie	r Park Resort and	Marina			
Case ID No.	33045						
Reg. Ent. Reference No.	RN101278034						
Media	Water Quality					Percent Interest	Years of
Violation No.	•					Percent interest	Depreciation
	图点 医多数基		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Portiginação.	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
				ne we the fat	ann mar sin sin an ann an a	enter and a contract	Control of the Contro
Delayed Costs		**					
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	⊮∦is n/a:	\$0
Training/Sampling				0.0	\$0	ri≟k ≥ n/a	\$0
Remediation/Disposal				0.0	\$0	in/a	\$0
Permit Costs			15.11	0.0	\$0	n/a n/a	\$0 \$21
Other (as needed)	\$500	19-Jan-2007	15-Nov-2007	0.8	\$21	(September 18 April 19 April 1	<u>ΦΖ1</u>
Notes for DELAYED costs Avoided Costs		comp	liance, Final Date	is the e	expected compliant	ate Required is the force date. one-time avoided of	
AND AND THE PERSON AND THE PERSON AND THE PERSON	ANN	DALIZE [1] avoide	eu costs perore e	0.0	\$0	\$0	\$0
Disposal Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Since (as needed)				11			
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$500			TOTAL		\$21

Docket No. 2007 0440 MI M =	PCW
Docket No. 2007-0449-MLM-E O'Neill dba Frontier Park Resort and Marina	Policy Revision 2 (September 2002
Jivelii ada Fioritier Park Resort and Wanna	PCW Revision March 19, 200
	TOWN CONSIGN WOTON 13, 200
.E.	
nit No. WQ0014015001, Operational Requirements, No. 1, 30 Tex. Admin. Code § 305.12 and 30 Tex. Admin. Code § 317.2	25(5),
are that all systems of collection, treatment, and disposal are properly operated and maint Lift Stations No. 1 and 2 are not equipped with audio-visual alarm systems and duplex pur d corrosion was observed on the sidewalls of the chlorine contact chamber and clarifier el dditionally, on July 6, 2007, three sections of exposed broken sewer pipe were observed.	mping Iffluent
Base F	Penalty \$10,00
lealth Matrix	
Harm Moderate Minor	
x Percent 10%	
Moderate Minor	
Percent 0%	
tems of collection, treatment, and disposal are properly operated and maintained could re mounts of pollutants which would not exceed levels that are protective of human health o environment.	
Adjustment	\$9,000
	\$1,00
	Ψ1,00
	THE REPORT LESS PROPERTY AND AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY A
2 162 Number of violation days	
X Violation Base F	Penalty \$2,00
·	
commended. The penalty was calculated from the February 13, 2007, investigation date to secondary screening date, July 25, 2007.	to the
Statutory/Limit/Test	

Economic Benefit Worksheet Respondent Michael Lantz O'Neill dba Frontier Park Resort and Marina Case ID No. 33045 Reg. Ent. Reference No. RN101278034 Media Water Quality Years of Percent Interest Depreciation Violation No. 6 5.0 15 Item Cost **Date Required Final Date** Yrs Interest Saved **Onetime Costs EB Amount** Item Description No commas or \$ **Delayed Costs** \$34 \$0 \$0 \$0 \$670 \$0 \$704 \$0 1.0 0.0 Buildings Other (as needed) 0.0 \$0 Engineering/construction 0.0 // n/a 🗱 🕼 Land Record Keeping System 0.0 ara Kin/a m Training/Sampling 0.0 \$0 \$0 Remediation/Disposal 0.0 n/ax \$0 Permit Costs 0.0 1.0 \$0 n/a \$0 \$1,000 Other (as needed) n/article Estimated cost to repair and/or replace the lift stations pumps, and to install the audio/visual alarm system, and to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Date Required is the investigation date, Final Date is the expected compliance date. Notes for DELAYED costs **Avoided Costs** ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) 0.0 Disposal Personnel 0.0 \$0 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.0 \$0 \$0 \$0 Supplies/equipment 0.0 \$0 \$0 0.0 Financial Assurance [2] 0.0 ONE-TIME avoided costs [3] \$0 \$0 Other (as needed)

\$11,000

TOTAL

\$754

Notes for AVOIDED costs

Approx. Cost of Compliance

Scre	ening Date	25-Jul-2007	D	Ocket No. 2007-0449-MLN	<i>Л</i> -Е	PGW
R	Respondent	Michael Lantz C	D'Neill dba Frontier Park Re	sort and Marina	Policy	Revision 2 (September 2002)
	Case ID No.				, E	PCW Revision March 19, 2007
Reg. Ent. Ref					,	
	ia [Statute]					
		Jorge Ibarra, P.	Ε.			
VIOIA	ation Number Rule Cite(s)	TDDES Porm	sit No. WO0014015001 Eff	fluent Limitations and Monitor	ing Requirements, No. 1, 30 Tex.	a
	Kule Cite(s)	I DEST elli		Admin. Code § 319.5(b)	ing requirements, res. 1, 55 Tex.	-
Violation	n Description	Failed to	o collect and analyze effluer	nt samples for fecal coliform l	bacteria five times per week.	
				•	Base Penalt	у \$10,000
>> Environmental	, Property a	nd Human H	ealth Matrix			***************************************
A series with a first contract of the contract		Maria	Harm			
OR	Release Actual	Major I	Moderate Minor			
	Potential		x	Percent	10%	
		promportono e a cabacada a des				
>>Programmatic N			ىلىنىكىلىكىلىكىلىكىلىكىلىكىلىكىلىكىلىكىل	et kan ar de reference en er		
	Falsification	Major I	Moderate Minor	Percent	· 0%	
	L			1 51 55111		
Matrix Notes	Failure to co			could result in the exposure o protective of human health or	f significant amounts of pollutants r the environment.	
	A 1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (Adjustment \$9,00	
Bundist der Stein Stadenhillendhicker und Chile.	o Maria de la comita de Comedia d	aliteration destruites (1995) is street to	-	MANUSCOS AND CONTRACTOR STORES SECTION OF THE SECTI	Action and American American and I	
t						\$1,000
Violation Events						Maria de la companya
i de la maria de la como de la comitación de la comitación de la comitación de la definita de la definita de l La comitación de la defin	Salah di Baan di Salah di Salah salah salah di S			iminina kiriddika aina aanta kirina ah oo ah	kita ya Makida dhi. Akushi wa wikin Panko e a Kili dhi kashar kutabi kumana kutha maanaka wa ma waki kuta ku w Ka	***
			1L	38 Number of viola	tion days	
	1	daily				
		monthly				
	mark only one	quarterly	X	. •	Violation Base Penalt	y \$1,000
	with an x	semiannual				
•		annual single event				
	•	7119,717,711 <u></u>				
	One quarterly	event is recom		calculated from the February g date, March 23, 2007.	13, 2007, investigation date to the	
Economic Benefit	(EB) for this	s violation		Statutory Lin	nit Test	
	Estimated	EB Amount	\$113		Violation Final Penalty Tota	\$2,450
		No. a comment		775-11-41 P. 1.5		
		TERRESTA, 1 4. No		inis violation Final Asse	ssed Penalty (adjusted for limits	\$2,450

	E	conomic	Benefit W	orks	sheet		
Respondent Case ID No.		D'Neill dba Frontie	r Park Resort and	Marina	e estimationed e	er de griffe de la lette d Lette de la lette de la let	e e e e e e e e e e e e e e e e e e e
Reg. Ent. Reference No.	RN101278034						
Media	Water Quality					Percent Interest	Years of
Violation No.	. 7	the amount of the					Depreciation
요즘 화가 가게 되는 것이 없는 것이다.						5.0	15]
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				Hillandi a		
Delayed Costs					5 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		1 11 11 11 11 11
Equipment				0.0	\$0	\$0	\$0
Buildings			<u></u>	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	#2.000	42 5-5 2007	45 Nov. 2007	0.0	\$0	a //a // In/a // IAA	\$0
Training/Sampling	\$3,000	13-Feb-2007	15-Nov-2007	0.8	\$113 \$0	n/a	\$113
Remediation/Disposal				0.0	\$0	erio n/a	\$0 \$0
Permit Costs Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs			is the exped	ted con	npliance date.	is the investigation	
Avoided Costs	ANNU	JALIZE [1] avoide	ed costs before e			one-time avoided o	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0.	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	•						
Approx. Cost of Compliance		\$3,000	Nikkhitensiikavakookookokakakeen (h. 17. 27. 27. 27. 27. 27. 27. 27. 27. 27. 2	****	TOTAL		\$113

Screening Date	25-Jul-2007 Docket No. 2007-0449-MLM-E	PCW
	\cdot	Revision 2 (September 2002)
Case ID No.		W Revision March 19, 2007
Reg. Ent. Reference No Media [Statute]		
Enf. Coordinator		
Violation Number	8 .	-
Rule Cite(s	TPDES Permit No. WQ0014015001, Monitoring and Reporting Requirements, No. 3.b., 30 Tex. Admin. Code § 319.7(c)	
Violation Description	Failed to maintain records. Specifically, records of DMRs, sludge disposal information, daily or monthly operations logs, copy of TPDES Permit No. WQ0014015001, and laboratory records prior to 12/05/06 were not available for review.	
	Base Penalty	\$10,000
>> Environmental, Property	and Human Health Matrix Harm	
Release	Major Moderate Minor	
OR Actua Potentia	Percent 0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	x Percent 10%	
1.75 2.75 1.75 1.75 1.75 1.75 1.75 1.75 1.75 1		1
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment \$9,000	1
The state of the s		¢4 000
		\$1,000
Violation Events		
	1 Number of violation days	
	1 Inditibel of Violation days	
	daily	
med and an	monthly Violation Base Penalty	\$1,000
mark only one with an x	semiannual	, ,,,,,,,
	annual :	
,	single event x	
	One single event is recommended.	
Economic Benefit (EB) for th	is violation Statutory Limit Test	And the second s
Estimate	I EB Amount \$19 Violation Final Penalty Total	\$2,450
	This violation Final Assessed Penalty (adjusted for limits)	\$2,450
	This Fisherial Her Assessed Ferhalist (Adjusted to Hillins)	Ψ2,400
,		

Media Violation No.	RN101278034 Water Quality 8			4		Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					i edinikan	
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a≇ ≟ ⊪	\$0
Record Keeping System	\$500	13-Feb-2007	15-Nov-2007	0.8	\$19	n/a	\$19
Training/Ca!!	II .	11 -	i	0,0	\$0	min/a/	- \$0
Training/Sampling							
Remediation/Disposal				0.0	\$0	n/a mire	\$0
	Estimated cos		nplement a record late, Final Date is th	0.0 0.0 0.0 keeping r	\$0 \$0 \$0	n/a	\$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs		da	ate, Final Date is th	0.0 0.0 0.0 keeping r	\$0 \$0 \$0 retention system. ed compliance d	n/a n/a n/a Date Required is thate.	\$0 \$0 \$0 e investigation
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Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		da	ate, Final Date is th	0.0 0.0 0.0 keeping ree expect	\$0 \$0 \$0 retention system. ed compliance d	Date Required is trate.	\$0 \$0 \$0 e investigation
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Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		da	ate, Final Date is th	0.0 0.0 0.0 keeping ree expect	\$0 \$0 \$0 retention system. ed compliance d tem (except for a \$0 \$0 \$0	Date Required is trate. one-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 \$0 ae investigation costs) \$0 \$0 \$0
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Scree	ening Date 2	25-Jul-2007		MAN CC ANNANCEMENT STREET, STREET, ST.	Docket No. 2007	-0449-MLM-E	The experience of the development of the developmen	PCW
			: O'Neill dba Fr	ontier Park F	Resort and Marina		Policy	Revision 2 (September 2002)
Ca	ase ID No. 3	33045						PCW Revision March 19, 2007
Reg. Ent. Refe	erence No. F	RN10127803	4					***************************************
	a [Statute] v							
	ordinator J		P.E.					
	tion Number Rule Cite(s)	9 TDDES D	armit No. MOO	014015001	Monitoring and Pane	ortina Paguiramente	Nos. 7.a. and 7.c., 30 Tex.	¬
	Rule Cite(s)		emint No. WQo		min. Code § 305.125		Nos. F.a. and F.G., 50 Tex.	
Violation	Description	deviate from months of 1 deviations for	the permitted li 2/05, 01/06, 02 r the months of	mitation by r 2/06, and 04 11/05, 01/0 ance notifica	more than 40%. Spe /06; flow deviations f /6, and 10/06 which e ations were submitte	cifically, DMR data re or the month of 07/06 exceeded the permitte	npliant effluent results that vealed TSS deviations for the grand fecal coliform bacteriated effluent limits by more that authorized discharge was	
							Base Penal	sy \$10,000
>> Environmental, I	Property an	d Human	Health Matr	ix .				***************************************
	Market State Committee Com	Ten a militar de l'Add militar de l'abordit de l'addition	Harm	The second of th	a jagan kan kata ka	Des All Million Christia Million Christian con Account of the Con-		
OR	Release Actual	Major	Moderate	Minor	╗			and the same of th
	Potential				Perce	ent	0%	
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>>Programmatic M								
	Falsification	Major	Moderate	Minor	a _	•	100	
L. Carle I		Х			Perce	SUE .	10%	and the state of t
Matrix Notes			1	00% of the	rule requirement was	not met.		
	entra de la composition della			A	The state of the s	Adju	stment \$9,00	0
								\$1,000
Violation Events							A Company of the Comp	
N	lumber of Viola	ition Events	8		8 Numb	er of violation days		Apparent of the second of the
<i>c</i>	1:-	a and TVF						
		daily [monthly [a desired and a second a second and a second a second and
ı	mark only one	quarterly					Violation Base Penals	y \$8,000
	with an x	semiannual		•				
		annual single event	×					
•	15	migio ovoiri <u>l</u>						
Ē	Eight single eve	ents are reco	mmended for t		on-compliance notifi uthorized discharge.	cations were not sub	mitted and for not reporting a	n ,
	marker (c. markeren i a. e.			reparent alementes film				
Economic Benefit (EB) tor this	violation			Statı	utory Limit Test		
	Estimated I	≣B Amount[\$67]	,	Violation Final Penalty Tota	al \$19,600
					This violat	ion Final Assessed	Penalty (adjusted for limits	\$19,600
e de la departación de la composition		7 - 12 5 7 5 7 5 7 5 7 5 7 5 7 5 7 5 7 5 7 5				5,000,055 (5,000)		
							,	

Economic Benefit Worksheet

Respondent Michael Lantz O'Neill dba Frontier Park Resort and Marina Case ID No. 33045 Reg. Ent. Reference No. RN101278034 Media Water Quality Years of Percent Interest Depreciation Violation No. 9 15 Item Cost **Date Required Final Date** Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** Equipment 0.0 \$0 \$0 Buildings 0.0 \$0 \$0 \$0 0.0 \$0 \$0 Other (as needed) \$0 Engineering/construction 0.0 \$0 \$0 \$0 0.0 \$0 Land \$0 n/a Record Keeping System \$0 0.0 \$0 n/a Training/Sampling 0.0 \$0 i# i i n/a · · · · \$0 Remediation/Disposal 0.0 \$0 i di la lin/a \$0 n/a \$0 **Permit Costs** 0.0 \$0 20-Dec-2005 Other (as needed) 1.9 Estimated cost to submit the required non-compliance notifications. Date Required is the first day of non-Notes for DELAYED costs compliance, Final Date is the expected compliance date. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.0 Personnel 0.0 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.0 \$0 \$0 \$0 Supplies/equipment 0.0 \$0 \$0 \$0 Financial Assurance [2] 0.0 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.0 \$0 \$0 \$0 \$0 Other (as needed) 0.0 \$0

TOTAL

\$67

\$700

Notes for AVOIDED costs

Approx. Cost of Compliance

Compliance History

MARINA

Customer/Respondent/Owner-Operator:

CN601121452

ONEILL, MICHAEL LANTZ

Classification: AVERAGE Rating: 1.86

Regulated Entity:

RN101278034

FRONTIER PARK RESORT AND

Classification: AVERAGE

Site Rating: 1.86

ID Number(s):

UTILITIES

REGISTRATION

12689

UTILITIES WASTEWATER

REGISTRATION **PERMIT**

12689 TPDES0022918

WASTEWATER

PERMIT

WQ0014015001

WASTEWATER

PERMIT

TX0022918

Located in Carrice Creek Cove, 6 miles east of Milam in

Rating Date: September 01 06 Repeat Violato

Sabine County, Texas

TCEQ Region:

Location:

REGION 10 - BEAUMONT

Date Compliance History Prepared:

March 22, 2007

Agency Decision Requiring Compliance

Enforcement

Compliance Period:

March 22, 2002 to March 22, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Jorge Ibarra, P.E.

Phone:

(817) 588-5890

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

No

3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 04/18/2002

(166522)

- 2 06/06/2002 3 06/24/2002
- (166526)(166528)
- 4 07/26/2002
- (166531)
- 08/28/2002
- (166535)
- 6 09/03/2002
- (166532)(166538)
- 10/01/2002 10/23/2002
- (166541)
- 11/27/2002
- (166544)
- 10 01/02/2003
- (166546)
- 11 01/29/2003
- (166549)
- 12 02/24/2003
- (166520)
- 13 04/02/2003
- (166523)
- 14 04/25/2003
- (298831)
- 15 05/29/2003 16 06/27/2003
- (298832)(298833)
- 17 07/17/2003
- (142563)
- 18 07/28/2003
- (298835)19 09/05/2003 (298836)
- 20 09/24/2003 21 10/17/2003
- (298837)

(298838)

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22 12/01/2003
                   (298839)
23 12/01/2003
                   (255712)
24 01/02/2004
                   (298840)
25 01/29/2004
                   (298841)
26 03/03/2004
                   (298829)
27 04/12/2004
                   (298830)
28 04/26/2004
                   (353472)
   05/03/2004
                   (269978)
29
30 06/14/2004
                   (353473)
31 07/08/2004
                   (353474)
32 08/23/2004
                   (353476)
33 08/24/2004
                   (353475)
34 10/05/2004
                   (353477)
35
    10/13/2004
                   (291625)
36
   11/24/2004
                   (382644)
37 11/24/2004
                   (382645)
38
   01/26/2005
                   (382646)
   01/31/2005
39
                   (382647)
40
   03/18/2005
                   (382643)
41 07/21/2005
                   (420452)
42 07/21/2005
                   (420453)
43 07/21/2005
                   (420454)
44 07/21/2005
                   (420455)
45 07/21/2005
                   (420456)
46 08/23/2005
                   (441503)
47
   09/19/2005
                   (441504)
   10/21/2005
48
                   (469778)
49
   11/14/2005
                   (469779)
50
   12/27/2005
                   (469780)
51 01/23/2006
                   (469781)
52 02/27/2006
                   (469776)
53 03/22/2006
                   (469777)
54 04/24/2006
                   (499052)
55 05/15/2006
                   (499053)
56 06/21/2006
                   (499054)
   07/17/2006
                   (521104)
   08/14/2006
                   (521105)
58
59
   09/21/2006
                   (521106)
60
   03/09/2007
                   (538783)
```

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/30/2002 (166526)

Self Report?

Classification Moderate

Classification

Moderate

Moderate

Citation:

Citation:

Self Report?

YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2002 (166528)

Classification Moderate

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2002 (166531)

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 07/31/2002 (166535)

YES Classification Self Report?

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 08/31/2002 (166538)

Classification Moderate Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

09/30/2002 Date: (166541)

YES Self Report? Citation: 30 TAC Chapter 305, SubChapter F 305,125(1)

TWC Chapter 26 26.121(a)[G]

Classification

Moderate

Failure to meet the limit for one or more permit parameter Description:

12/31/2002 (166549)Date:

Classification Moderate Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter (298831)Date: 03/31/2003

Self Report? YES Classification Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (298832)

Self Report? Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

(298835) 06/30/2003 Date:

YES Classification Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 07/18/2003 (142563)

Classification Moderate Self Report? NO

Ramt Prov: OP 14015-001 Description: Failure to discharge effluent that is compliant with permitted limitations.

Self Report? NO Classification Moderate

Ramt Prov: OP 14015-001

Description: Failure to comply with the permitted self-monitoring requirements for sampling and analysis frequency.

Classification Self Report? NO Moderate

Rgmt Prov: OP 14015-001

Description: Failure to submit noncompliance notifications as required by the permit

Classification Self Report? NO

OP 14015-001 Ramt Prov: Description: Failure to ensure that all systems of collection, treatment, and disposal are

properly operated and maintained.

Self Report? NO Classification Minor

Rgmt Prov: OP 14015-001 Failure to ensure that all systems of collection, treatment, and disposal are

Description: properly operated and maintained.

NO Classification Moderate Self Report?

Rgmt Prov: OP 14015-001

Failure to discharge effluent that is compliant with permitted limitations. Description:

Classification Self Report? NO

OP 14015-001 Rqmt Prov: Failure to ensure that all systems of collection, treatment, and disposal are Description:

properly operated and maintained.

Classification Self Report? NO Minor

Rgmt Prov: Failure to ensure that all systems of collection, treatment, and disposal are Description:

properly operated and maintained.

OP 14015-001

(298839)

Date:

10/31/2003

Classification Self Report? Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation: TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter

Description: 11/30/2003 Date: (298840)

Self Report? YES Classification Moderate Citation:

30 TAC Chapter 305, SubChapter F 305,125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 01/31/2004

(298829)

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

(353472)Date: 03/31/2004

Self Report?

YES

Classification

Classification

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 05/03/2004

(269978)

Self Report?

NO

Classification

Minor

Ramt Prov:

PERMIT WQ 14015-001

Description:

Failure to ensure that all systems of collection, treatment, and disposal are

properly operated and maintained.

Self Report? Ramt Prov:

NO

PERMIT WQ 14015-001

Description:

Failure to ensure that all systems of collection, treatment, and disposal are

properly operated and maintained.

Self Report? Ramt Prov:

NO

NO

PERMIT WQ 14015-001

Description:

Exceedance of the minimum chlorine residual limitation

Self Report?

Classification

Classification

Classification

Classification

Classification

Classification

Minor

Minor

Minor

Minor

Minor

Moderate

Ramt Prov:

PERMIT WQ 14015-001

Description: NO Failure to measure the head at the proper location Classification

Self Report? Ramt Prov:

PERMIT WQ 14015-001

Description:

Failure to perform the sampling and analyses at the frequency specified in the

permit.

NO

NO

Self Report?

PERMIT WQ 14015-001

Ramt Prov:

Description: NO Failure to meet the holding times for fecal coliform bacteria samples Classification

Self Report?

Rgmt Prov:

PERMIT WQ 14015-001

Description:

Failure to report >40% noncompliances consistently

Self Report? Ramt Prov:

PERMIT WQ 14015-001

Description:

Failure to keep a complete log for the dissolved oxygen meter

Self Report? NO

PERMIT WQ 14015-001

Rgmt Prov:

Failure to dispose of sludge as described in the permit application

Description: (353476)Date: 07/31/2004

Self Report?

YES

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

09/30/2004 (382644)Date:

Self Report? YES

Classification Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 12/31/2004 Failure to meet the limit for one or more permit parameter

Self Report?

(382647)

(420456)

Classification

Moderate

Citation:

YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: 06/30/2005 Date:

Failure to meet the limit for one or more permit parameter

Classification Moderate

Citation:

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (441503)

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

on: Failure to meet the limit for one or more permit parameter

Description: Failure to meet the Date: 09/30/2005 (469778)

Self Report? YES Classification Moderate

Classification

Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (469779)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (469780)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (469781)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (469776)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (469777)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (499052)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (499053)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (521104)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/30/2006 (521105)

Date. 07/30/2000 (321/03)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/13/2006 (510648)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

Ullation. 50 TAC Chapter 505, Subchapter 1 505. 125(4)

TWC Chapter 26 26.121(a)(1)
Rqmt Prov: PERMIT PC2g

Description: Failure by Michael Lantz O'Neill to prevent unauthorized discharges into or adjacent to the waters of the state.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]

Rqmt Prov:

PERMIT M&RR7b

Description:

Failure by Michael Lantz O'Neill to report unauthorized discharges to the Region

10 office within 24 hours of becoming aware of the discharge.

Self Report?

NO

Classification Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(5)

Ramt Prov:

30 TAC Chapter 317 317.2[G]

PERMIT OpR1

Description:

Failure by Michael Lantz O'Neill to ensure that all systems of collection,

treatment, and disposal are properly operated and maintained.

Self Report?

NO

Classification

Citation:

Description:

30 TAC Chapter 30, SubChapter J 30.350(j)

Failure by Frontier Park Marina to have the wastewater treatment operated a

minimum of five days a week by a licensed operator of the required level of

Date: 09/30/2006

Self Report?

YES

Classification

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 10/31/2006

Self Report?

YES

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

N/A

Voluntary on-site compliance assessment dates. Н.

Participation in a voluntary pollution reduction program. ١.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	
ENFORCEMENT ACTION	. §	BEFORE THE
CONCERNING	§	
MICHAEL LANTZ O'NEILL DBA	§	TEXAS COMMISSION ON
FRONTIER PARK RESORT AND	§	
MARINA;	§	ENVIRONMENTAL QUALITY
RN101278034 AND RN105161889	§	

DEFAULT ORDER DOCKET NO. 2007-0449-MLM-E

At its	agenda, the Texas Commission on Environmental Quality,
("Commission" or "TCEQ") co	onsidered the Executive Director's First Amended Report and Petition
filed pursuant to TEX. WATER	CODE chs. 7, 26, and 37, and the rules of the TCEQ, which requests
appropriate relief, including the	e imposition of an administrative penalty and corrective action of the
respondent. The respondent m	hade the subject of this Order is Michael Lantz O'Neill dba Frontier
Park Resort and Marina ("Mr.	O'Neill").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

- 1. Mr. O'Neill owns and operates a wastewater treatment plant ("WWTP") located 6 miles east of Milam in Carrice Creek, Sabine County, Texas (the "Facility").
- 2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
- 3. During investigations conducted on February 13, 2007, and July 6, 2007, a TCEQ Beaumont Regional Office documented that Mr. O'Neill:
 - a. Failed to obtain a wastewater operators license prior to operating a permitted wastewater treatment and collection system;
 - b. Failed comply with permitted effluent limits. Specifically:
 - i. The minimum Dissolved Oxygen ("DO") required is 4 milligrams per liter

("mg/L"), however, in October 2006 the DO was only 3 mg/L;

- ii. The Total Suspended Solids ("TSS") mg/L daily average limit is 15 mg/L. The following exceedences were reported:
 - A. December 2005 18.3 mg/L;
 - B. January 2006 26.6 mg/L;
 - C. February 2006 23.3 mg/L;
 - D. March 2006 16.8 mg/L;
 - E. April 2006 24.5 mg/L; and
 - F. June 2006 15.3 mg/L;
- iii. The TSS pounds per day ("lbs/day") daily average limit is 1.2 lbs/day, however, in March 2006 the TSS lbs/day daily average was measured at 4.32 lbs/day;
- iv. The daily average flow of effluent shall not exceed 0.0089 million gallons per day ("MGD"), however, in June 2006 the daily average flow was measured at 0.033687 MGD;
- v. The chlorine residual should be between one and four mg/L, however, in September and October 2006, the chlorine residual was measured at 4.4 mg/L;
- vi. The Biochemical Oxygen Demand 5-day ("BOD5") mg/L daily average limit is 10 mg/L. In December 2005 and April 2006 the BOD5 mg/L daily average was measured at 12.3 mg/L and 15.9 mg/L, respectively;
- vii. The BOD5 lbs/day daily average limit is .8 lbs/day. In March 2006 the BOD5 lbs/day daily average was 1.59 lbs/day;
- viii. The fecal coliform bacteria daily average limit is 200 mg/L. In November 2005 and October 2006 the fecal coliform bacteria daily average was 646 mg/L and 926 mg/L, respectively; and
- ix. The fecal coliform bacteria single grab limit is 800 mg/L. In November 2005 and January and October 2006, the fecal coliform bacteria single grabs were 1900 mg/L, 9500 mg/L, and 2320 mg/L, respectively.

- c. Failed to submit the annual sludge report for the reporting period ending July 31, 2006;
- d. Failed to submit all required parameter data as specified in the permit. Specifically, Mr. O'Neill failed to include pH data in the discharge monitoring report ("DMR") for outfall 001 for the monitoring period ending September 30, 2006;
- e. Failed to prevent unauthorized discharges. Specifically, the pump servicing Lift Station No. 1 failed, resulting in three unauthorized sewage discharge events occurring on January 19, 2007, March 9, 2007, and July 4, 2007;
- f. Failed to properly report unauthorized discharges. Specifically, the reports submitted for the unauthorized discharges of January 19, 2007, and March 9, 2007, did not include the volume of the discharge, actions taken to remediate the affected area, and potential danger;
- g. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, Lift Stations No. 1 and 2 are not equipped with audio-visual alarm systems and duplex pumping capability, and corrosion was observed on the sidewalls of the chlorine contact chamber and clarifier effluent weir. Additionally, three sections of exposed broker sewer pipe were observed during the July 6, 2007, investigation;
- h. Failed to collect and analyze effluent samples for fecal coliform bacteria five times per week;
- i. Failed to maintain records. Specifically, records of DMRs, sludge disposal information, daily or monthly operations logs, copy of the TPDES Permit, and laboratory records prior to December 5, 2006, were not available for review; and
- j. Failed to submit a written report within five days of becoming aware of non-compliant effluent results that deviate from the permitted limitation by more than 40%. Specifically, DMR data revealed TSS deviations for the months of December 2005, and January, February, and April 2006; flow deviations for the month of July 2006; and fecal coliform bacteria deviations for the months of November 2005, and January and October 2006, which exceeded the permitted effluent limits by more than 40%, and no non-compliance notifications were submitted. Additionally, an unauthorized discharge observed during the July 6, 2007, investigation had not been reported.

- 4. Mr. O'Neill received notice of the violations on or about April 18, 2007, and August 3, 2007.
- 5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Michael Lantz O'Neill dba Frontier Park Resort and Marina" (the "EDPRP") in the TCEQ Chief Clerk's office on June 26, 2007.
- 6. By letter dated June 26, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. O'Neill with notice of the EDPRP. According to the return receipt "green card," Mr. O'Neill received notice of the EDPRP on July 12, 2007, as evidenced by the signature on the card.
- 7. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Michael Lantz O'Neill dba Frontier Park Resort and Marina" (the "EDFARP") in the TCEQ Chief Clerk's office on October 23, 2007.
- 8. By letter dated October 23, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. O'Neill with notice of the EDFARP. According to the return receipt "green card," Mr. O'Neill received notice of the EDFARP on November 15, 2007, as evidenced by the signature on the card.
- 9. More than 20 days have elapsed since Mr. O'Neill received notice of the EDPRP and of the EDFARP, provided by the Executive Director. Mr. O'Neill failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. O'Neill is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7, 26, and 37, and the rules of the Commission.
- 2. As evidenced by Finding of Fact No. 3.a., Mr. O'Neill failed to obtain a wastewater operators license prior to operating a permitted wastewater treatment and collection system, in violation of 30 Tex. Admin. Code § 30.331(b), and Tex. Water Code §§ 26.0301 and 37.003;
- 3. As evidenced by Finding of Fact No. 3.b., Mr. O'Neill failed to comply with permitted effluent limits, in violation of TPDES Permit, Effluent Limitations and Monitoring

- Requirements, Nos. 1, 2, and 6, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a);
- 4. As evidenced by Finding of Fact No. 3.c., Mr. O'Neill failed to submit the annual sludge report for the reporting period ending July 31, 2006, in violation of TPDES Permit, Sludge Provisions, and 30 Tex. ADMIN. CODE § 305.125(17);
- 5. As evidenced by Finding of Fact No. 3.d., Mr. O'Neill failed to submit all required parameter data as specified in the permit, in violation of TPDES Permit, Monitoring and Reporting Requirements, No. 1, and 30 Tex. ADMIN. Code § 305.125(1);
- 6. As evidenced by Finding of Fact No. 3.e., Mr. O'Neill failed to prevent unauthorized discharges, in violation of TPDES Permit, Permit Conditions, No. 2.g., 30 Tex. ADMIN. CODE § 305.125(4), and Tex. WATER CODE § 26.121(a);
- 7. As evidenced by Finding of Fact No. 3.f., Mr. O'Neill failed to properly report unauthorized discharges, in violation of TPDES Permit, Monitoring and Reporting Requirements, No. 7.a., and 30 Tex. Admin. Code § 305.125(9);
- 8. As evidenced by Finding of Fact No. 3.g., Mr. O'Neill failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of TPDES Permit, Operational Requirements, No. 1, and 30 Tex. ADMIN. CODE §§ 305.125(5), and 317.2;
- 9. As evidenced by Finding of Fact No. 3.h., Mr. O'Neill failed to collect and analyze effluent samples for fecal coliform bacteria five times per week, in violation of TPDES Permit, Effluent Limitations and Monitoring Requirements, No. 1, and 30 Tex. ADMIN. CODE § 319.5(b);
- 10. As evidenced by Finding of Fact No. 3.i., Mr. O'Neill failed to maintain required records, in violation of TPDES Permit, Monitoring and Reporting Requirements, No. 3.b., and 30 Tex. ADMIN. CODE § 319.7(c); and
- 11. As evidenced by Finding of Fact No. 3.j., Mr. O'Neill failed to submit a written report within five days of becoming aware of non-compliant effluent results that deviate from the permitted limitation by more than 40%, in violation of TPDES Permit, Monitoring and Reporting Requirements, No. 7.c., and 30 Tex. Admin. Code § 305.125(1).

- 12. As evidenced by Finding of Fact Nos. 5 through 8, the Executive Director timely served Mr. O'Neill with proper notice of the EDPRP and the EDFARP, as required by Tex. WATER CODE § 7.055 and 30 Tex. ADMIN. CODE § 70.104(a).
- As evidenced by Finding of Fact No. 8, Mr. O'Neill failed to file a timely answer to the EDPRP or the EDFARP, as required by Tex. Water Code § 7.056 and 30 Tex. Admin. Code § 70.105. Pursuant to Tex. Water Code § 7.057 and 30 Tex. Admin. Code § 70.106, the Commission may enter a Default Order against Mr. O'Neill and assess the penalty recommended by the Executive Director.
- 14. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against Mr. O'Neill for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 15. An administrative penalty in the amount of forty-eight thousand five hundred thirty-five dollars (\$48,535.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053.
- 16. Tex. Water Code §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. O'Neill is assessed an administrative penalty in the amount of forty-eight thousand five hundred thirty-five dollars (\$48,535.00) for violations of the Texas Water Code and the rules of the TCEQ. The payment of this administrative penalty and Mr. O'Neill's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Michael Lantz O'Neill dba Frontier Park Resort and Marina; Docket No. 2007-0449-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Mr. O'Neill shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, Mr. O'Neill shall, in accordance with the TPDES Permit:
 - i. begin providing non-compliance notifications to TCEQ;
 - ii. begin maintaining all required records; and
 - iii. begin collecting and analyzing effluent samples for fecal coliform bacteria five times per week.
 - b. Within 15 days after the effective date of this Order, Mr. O'Neill shall submit:
 - i. the annual sludge report for the reporting period ending July 31, 2006, and
 - ii. a revised DMR for outfall 001 to include pH data for the monitoring period ending September 30, 2006.
 - c. Within 30 days of the effective date of the Commission Order, Mr. O'Neill shall develop and implement operational and maintenance procedures to prevent future unauthorized discharges from the lift station;
 - d. Within 45 days of the effective date of the Commission Order, Mr. O'Neill shall hire a licensed operator to operate the WWTP, in accordance with the TPDES Permit and 30 Tex. Admin. Code § 30.331;
 - e. Within 60 days of the effective date of the Commission Order, Mr. O'Neill shall submit written certification of compliance with the TPDES Permit Effluent Limitations and Monitoring Requirements, in the manner described in paragraph 2.g., below;

- f. Within 90 days of the effective date of the Commission Order, Mr. O'Neill shall install audio/visual systems and repair or replace the pumps at Lift Stations No. 1 and 2; and
- g. Within 105 days after the effective date of the Commission Order, Mr. O'Neill shall submit written certification and detailed supporting documentation, including photographs, receipts, and /or other records, to demonstrate compliance with ordering provisionNos. 2.a.i. through 2.d., and 2.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. O'Neill shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Ronald Hebert, Manager, Water Section Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 3. All relief not expressly granted in this Order is denied.
- 4. The provisions of this Order shall apply to and be binding upon Mr. O'Neill. Mr. O'Neill is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

- 5. If Mr. O'Neill fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. O'Neill's failure to comply is not a violation of this Order. Mr. O'Neill shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. O'Neill shall notify the Executive Director within seven days after Mr. O'Neill becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. O'Neill shall be made in writing to the Executive Director. Extensions are not effective until Mr. O'Neill receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. O'Neill if the Executive Director determines that Mr. O'Neill has not complied with one or more of the terms or conditions in this Order.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 Tex. ADMIN. CODE § 70.106(d) and Tex. Gov't Code § 2001.144.

Michael Lantz O'Neill dba Frontier Park Resort and Marina Docket No. 2007-0449-MLM-E Page 10

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF LENA ROBERTS

STATE OF TEXAS
COUNTY OF TRAVIS

"My name is Lena Roberts. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Michael Lantz O'Neill dba Frontier Park Resort and Marina" (the "EDPRP") was filed with the Office of the Chief Clerk on June 26, 2007.

The EDPRP was mailed to Mr. O'Neill at his last known address on June 26, 2007, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Mr. O'Neill received notice of the EDPRP on July 12, 2007, as evidenced by the signature on the card.

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More than 20 days have elapsed since Mr. O'Neill received notice of the EDPRP and the EDFARP. Mr. O'Neill failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference."

Lena Roberts, Attorney

Office of Legal Services, Litigation Division

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Lena Roberts, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 3rd day of March, A.D., 2008.

Mehgan Taack
Notary Public
State of Texas
My Commission Expires
April 25, 2011

Notary Signature